

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TODD FENER, Derivatively on Behalf of  
ARTHUR J. GALLAGHER & CO.,

Plaintiff,

vs.

ROBERT E. GALLAGHER, J. PATRICK  
GALLAGHER, JR., BERNARD L.  
HENGESBAUGH, ELBERT O. HAND,  
ILENE S. GORDON, GARY P. COUGHLAN,  
T. KIMBALL BROOKER, JAMES R.  
WIMMER and DAVID S. JOHNSON,

Defendants,

- and -

ARTHUR J. GALLAGHER & CO., a  
Delaware corporation,

Nominal Defendant.

Case No. 04C-8093

Judge John W. Darrah

**FILED**  
J.N. OCT 11 2005  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

NOTICE OF VOLUNTARY DISMISSAL

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

NOTICE IS HEREBY GIVEN that pursuant to Fed. R. Civ. P. 41(a), plaintiff  
voluntarily dismisses the above-captioned action without prejudice.

DATED: October 11, 2005

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney herein, does hereby certify that he caused a copy of the **Notice of Voluntary Dismissal** to be served via messenger on this 11<sup>th</sup> day of October, 2005 on the following:



NORMAN RIFKIND

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